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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,298	06/02/2005	Tomohisa Tenra	043890-0746	8367
20277 7590 08/16/2007 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER THOMAS, ALEXANDER S	
			ART UNIT 1772	PAPER NUMBER
			MAIL DATE 08/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/537,298

**Applicant(s)**

TENRA ET AL.

**Examiner**

Alexander Thomas

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-26 is/are pending in the application.
- 4a) Of the above claim(s) 3-7, 15-17 and 20-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 8-14, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The previous rejection under 35 USC 112, second paragraph, has been overcome in view of applicants' arguments in paragraph III of the response filed August 6, 2007.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 11, 13, 14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese patent document 10-110,887. The reference discloses a vacuum heat insulator comprising a gas barrier envelope with a heat sealable layer 3 wherein the envelope covers a flat core member and is heat-sealed around the core member; see Figure 1 and the Abstract. The terms "heated", "pressed" "cut off" and "cut off by melting down" used in the instant claims are process limitations that do not add any structurally distinguishing features to the final product that would distinguish it over the prior art product. Concerning claim 13, there are widths of heat sealed portions between the core materials in the product of the reference.

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4. Claims 2, 11-14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Stroobants 6,322,743. The reference discloses a vacuum heat insulator comprising a gas barrier envelope with a heat sealable layer wherein the envelope covers a flat core member and the entire laminate is heated and pressed during heat-sealing of the edges of the envelope, which would result in the envelope being fused to the core member. The terms "cut off" and "cut off by melting down" used in the instant claims are process limitations that do not add any structurally distinguishing features to the final product that would distinguish it over the prior art product.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over either the Japanese patent document 10-110,887 or Stroobants. The references disclose a vacuum heat insulator comprising a gas barrier envelope with a heat sealable layer wherein the envelope covers a flat core member and is heat-sealed around the member. The terms "heated", "pressed", "cut off" and "cut off by melting down" used in the instant claims are process limitations that do not add any structurally distinguishing features to the final product that would distinguish it over the prior art products. It would have been obvious to one of ordinary skill in the art to make the insulation

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products of the references any particular size depending on the particular end use since such a modification would have involved a mere change in the size of a component and a change in size is generally recognized as being within the level of ordinary skill in the art.

7. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Stroobants or the Japanese patent document 10-110887 in view of the Japanese patent document 08-303686. The primary references disclose a vacuum heat insulator comprising a gas barrier envelope with a heat sealable layer wherein the envelope covers a flat core member and is heat-sealed around the member. The terms "heated", "pressed", "cut off" and "cut off by melting down" used in the instant claims are process limitations that do not add any structurally distinguishing features to the final product that would distinguish it over the prior art products. The secondary reference discloses providing a hole through a vacuum insulation product wherein the enveloping material can be cut through after forming the product. It would have been obvious to one of ordinary skill in the art to provide a hole in the products of the primary references in view of the teachings in the secondary reference in order to allow a tube, etc. to run through the insulation after installation.

8. Claim 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese patent document 10-110887 in view of Stroobants. The primary reference

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discloses a vacuum heat insulator comprising a gas barrier envelope with a heat sealable layer 3 wherein the envelope covers a flat core member and is heat-

9. sealed around the member; see Figure 1 and the Abstract. The terms "heated", "pressed", "cut off" and "cut off by melting down" used in the instant claims are process limitations that do not add any structurally distinguishing features to the final product that would distinguish it over the prior art product. The secondary reference discloses the desirability of applying heat and pressure to a vacuum insulation panel during evacuation and sealing to improve flatness; see column 2, lines 6-37. It would have been obvious to one of ordinary skill in the art to apply pressure and heat to the envelope and core of the primary reference's product in view of the teachings in the secondary reference in order to prevent wrinkles in the final product. If heat/pressure is applied to the entire laminate of the primary reference during heat sealing as suggested in the secondary reference then the envelope will become bonded to the core material as a result of its softening during heat sealing.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Thomas/  
Primary Examiner  
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